

May 12, 2020

VIA ECF AND EMAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, NY 10004-1408

**Re: Picard v. Mann, et al.,
Adv. Proc. No. 10-04390 (SMB)**

Dear Judge Bernstein:

We are counsel to all the defendants in the above-titled adversary proceeding, and we are writing to respectfully request approval of additional short extensions of the deadlines for various pre-trial proceedings. Counsel for the plaintiff, Trustee Irving H. Picard, Esq., takes no position on this request, suggesting instead changing the schedule of pretrial exchanges but staying with the July 1, 2020 date for the pretrial conference. As discussed below, as we remain excluded from our office records and personnel, we cannot reasonably comply with the current compressed schedule.

The Court may recall we submitted a letter to the Court on April 14, 2020 (Adv. Proc. ECF No. 193), advising that we did not have access to our office (and the files therein) and requesting extensions of the pretrial deadlines. Counsel for the Trustee consented to that prior request and offered to provide us with any documents we requested so preparation of the pretrial order could continue. We did request certain documents, and the Trustee provided those documents, but we still have no access to our office and the additional documents we need. The inaccessibility of our office files and in-person assistance has made the work on the pretrial order more tedious and difficult. As a result, the deadline for defendants to serve their draft Pretrial Order is this Friday, May 15, 2020, and defendants simply cannot produce a reasonable draft by that date. We request a four-week extension of that deadline. Moreover, the timing set forth for additional pretrial exchanges was similarly agreed to before the COVID-19 crisis had evolved. The effort to organize documents and files in preparation of a draft Pretrial Order has made it clear that the remainder of the pretrial schedule is -- in the crisis environment faced today -- unreasonably compressed. We understand the Pretrial Order must be completed as promptly as reasonably possible, but without access to our office files and personnel, we cannot prepare the necessary materials without modest extensions of the deadlines. We propose adding roughly one week to each of the time periods between the scheduled exchanges. The Court should know, however, that despite the crisis-related obstacles we have successfully settled several cases with the Trustee during this period.

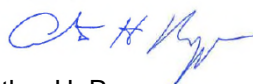
Consequently, with the Trustee not opposing but also not consenting, the defendants respectfully request that the Court adjourn the pre-trial conference until a date convenient to the Court on or about Wednesday, August 26, 2020. As noted in prior correspondence, at that conference, the Court and counsel can evaluate the feasibility of a trial and/or arrangement necessary to conduct the trial via video, teleconferencing, or some other means approved by the Court.

In addition, again without opposition or consent of the Trustee, the defendants propose the following schedule for pre-trial matters:

Pretrial Activity	Deadline
Parties to Exchange Draft Joint Pre-Trial Order (<i>45 Days Prior</i>)	Friday, June 12, 2020
Parties to Exchange Exhibits and Deposition Designations (<i>30 Days Prior</i>)	Thursday, July 2, 2020
Objections to Exhibits and Deposition Designations to be Exchanged (<i>14 Days Prior</i>)	Thursday, July 23, 2020
Motions in <i>Limine</i> Filed (<i>14 Days Prior</i>)	Monday, August 3, 2020
Oppositions to Motions in <i>Limine</i> Filed (<i>7 Days Prior</i>)	Monday, August 17, 2020
Submit Final Joint Pre-Trial Order to Judge Bernstein's Chambers (<i>7 Days Prior</i>)	Monday, August 17, 2020
Proposed Pre-Trial Conference Date	Wednesday, August 26, 2020

Counsel for the defendants is available should Your Honor have any questions in connection with the foregoing.

Respectfully submitted,



Arthur H. Ruegger

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cc: Nicholas J. Cremona, Esq. (Email)
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